

REMARKS

The Examiner's comments from the Office Action mailed February 27, 2007 have been carefully considered. Claims 17, 19 and 39-62 are pending. Claims 17, 47, 57, 61, and 62 have been amended. Support for the amendments can be found throughout the specification and figures. No new matter has been added.

Reexamination and allowance of the pending claims is respectfully requested.

Claim Rejections

Claims 17, 19, 39-46, 57-62 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse the rejection.

Claims 17 and 61 have been amended to clarify the single balloon extends from at least a proximal end to at least a distal end of the stent body. Support for these revisions can be found throughout the specification and the figures. Now new matter has been added. Claims 19 and 39-46 depend from claim 17.

With respect to claims 57-60 and 62, Applicants cannot find the language noted in the Office Action. Applicants, therefore, believe these claims were rejected in error. Accordingly, Applicants assert the rejection of claims 17, 19, 39-46, and 57-62 is overcome and request withdrawal of the rejection. In the event Applicants have misunderstood the rejection with respect to claims 57-60 and 62, however, Applicants urge the Examiner to contact the undersigned at the below-listed telephone number.

Claims 57-60 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse the rejection.

Claim 57 has been amended to clarify the self expandable structures move from an unexpanded position to an expanded position when activated by expansion of the stent wall. Such members can be contrasted with members that expand upon urging from the bulged portion of a balloon. See, e.g., page 11, lines 8-17.

Applicants assert the rejection is overcome and request withdrawal of the rejection.

Claims 17, 19, 39-56, 61-62 were rejected under 35 U.S.C. §102(e) as being anticipated by Marotta et al. (U.S. 6,261,305). Applicants respectfully traverse the rejection.

Claim 17 recites, in part, a plurality of movable members engaged to a stent wall. Each of the moveable members is moveable independent of the other moveable members.

In contrast, Marotta does not disclose or suggest a plurality of movable members moveable independent of the other moveable members. Rather, Marotta is directed to an endovascular prosthesis including a leaf portion for urging against and blocking the opening of an aneurysm. The multiple members cited by the Office Action, struts 426, 427, and 428 of FIG. 3, do not move independently of each other. Rather, the struts 426, 427, and 428 are interconnected via a transverse strut 429. Furthermore, a material covers the structure created by struts 426, 427, 428, and 429.

Moreover, no motivation is provided in Marotta to move the struts 426, 427, 428 independent of one another. In fact, independent movement would interfere with the function of the struts. A single strut cannot effectively block the opening to an aneurysm. Instead, the struts 426, 427, 428 are joined together and then covered with a material to form a blocking portion 425. See *Marotta*, col. 12, lines 25-35. Marotta, therefore, teaches away from independent moveable members.

For at least these reasons, Marotta does not anticipate claim 17. Claims 19 and 39-46 depend from claim 17 and are allowable for at least the same reasons. Withdrawal of the rejection and allowance of claims 17, 19, and 39-46 is respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Claim 47 recites, in part, a plurality of movable members engaged to the stent wall. At least one of the moveable members being separate from the other moveable members.

In contrast, Marotta does not disclose or suggest a plurality of moveable members being separate from the other moveable members. As noted above with respect to claim 1, the struts 426, 427, and 428 are interconnected via a transverse strut 429 and a material covers the structure created by struts 426, 427, 428, and 429. Marotta, therefore, teaches away from a moveable member being separate from other moveable members.

For at least these reasons, Marotta does not anticipate claim 47. Claims 48-56 depend from claim 47 and are allowable for at least the same reasons. Withdrawal of the rejection and

allowance of claims 47-56 is respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Claim 57 recites, in part, at least a portion of the moveable members expanding towards a proximal end of a stent body and at least a portion of the moveable members expanding towards a distal end of the stent body.

In contrast, Marotta does not disclose or suggest at least a portion of moveable members expanding towards a proximal end of a stent body and at least a portion of the moveable members expanding towards a distal end of the stent body. The struts of Marotta are interconnected to form a single blocking portion 425 that expands out from the prosthesis. All struts in Marotta expand outwardly in substantially the same direction.

For at least these reasons, Marotta does not anticipate claim 57. Claims 58-60 depend from claim 57 and are allowable for at least the same reasons. Withdrawal of the rejection and allowance of claims 57-60 is respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Claim 61 recites, in part, a plurality of movable members movable to an expanded position to define an aperture in a circumferential wall of a stent body. A first moveable member extends radially outward at a location distal of the aperture and a second moveable member extends radially outward at a location proximal of the aperture.

In contrast, Marotta does not disclose or suggest a first moveable member extending radially outward at a location distal of an aperture in a circumferential wall of a stent body and a second moveable member extending radially outward at a location proximal of the aperture. Rather, the struts of Marotta are interconnected to form a single blocking portion 425 that expands out from the prosthesis.

For at least these reasons, Marotta does not anticipate claim 61. Withdrawal of the rejection and allowance of claim 61 is respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Claim 62 recites, in part, a portion of a plurality of movable members that extend radially outward from a stent wall and into a second body vessel to form a scaffold in an expanded condition. The scaffold defines a side opening in the stent wall and a conduit into the second body vessel.

In contrast, Marotta does not disclose or suggest a portion of a plurality of movable members that extend radially outward from a stent wall and into a second body vessel. Furthermore, the moveable members of Marotta do not define a conduit into the second body vessel. Rather, the struts of Marotta are interconnected to form a single blocking portion 425 to occlude an opening of an aneurysm. Forming a conduit into the aneurysm would not only impede, but would thwart the function of the prosthesis of Marotta.

For at least these reasons, Marotta does not anticipate claim 62. Withdrawal of the rejection and allowance of claim 62 is respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Conclusion

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any further issues related to this matter, please contact Applicants' attorney listed below at 612-371-5387.

Respectfully submitted,



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